

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**New Beginnings Ministries, et al.,**

**Plaintiffs,**

**v.**

**Thomas George, et al.,**

**Defendants.**

**Case No. 2:15-cv-2781**

**Judge Michael H. Watson  
Magistrate Judge Kemp**

**OPINION AND ORDER**

Defendant Franklin Trull moves to sever the claims against him for individual trial. ECF No. 30.

Plaintiffs, New Beginnings Ministries (“the Church”) and individual Church members, allege that Defendants have protested at Plaintiffs’ place of worship on several occasions over a period of years in violation of Plaintiffs’ rights under the Free Access to Clinics Act, 18 U.S.C. § 248. Plaintiffs also assert a state law claim of assault and battery.

Defendant Franklin Trull (“Defendant Trull”), who is proceeding without the assistance of counsel, moves “to be tried individually apart from all other defendants as he was only present in any picketing in protest at the church on one date. That date being September 14, 2014. . . . Any actions by other defendants on any other date in no way involved Franklin Trull.” ECF No. 30 at PAGEID# 192. Plaintiffs oppose and argue that Defendant Trull has not offered any reason under Federal Rule of Civil Procedure 42 that entitles him to a

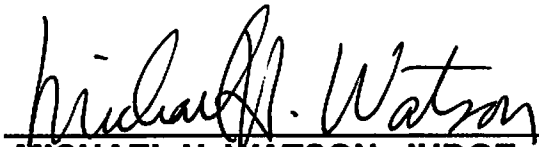
separate trial.<sup>1</sup> ECF No. 33. This Court agrees.

Rule 42(b) provides in relevant part that, “[f]or convenience, to avoid prejudice, or to expedite and economize, the court may order a separate trial of one or more separate issues, claims, crossclaims, counterclaims, or third-party claims.” The decision to order a separate trial is within this Court’s discretion. *See Saxion v. Titan-C-Mfg., Inc.*, 86 F.3d 553, 556 (6th Cir. 1996).

In the case presently before the Court, Defendant Trull has failed to identify any issues necessitating a separate trial. While he argues that he did not participate in alleged violations predating a protest on September 14, 2014, Defendant Trull does not identify any issues or claims unique to him. A joint trial with all co-Defendants will necessarily address any issues or claims relating to Defendant Trull.

Accordingly, Defendant Franklin Trull’s motion for severance for individual trial, ECF No. 30, is **DENIED WITHOUT PREJUDICE** to renewal prior to trial.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**

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<sup>1</sup> No reply memorandum has been filed and the time for doing so has passed.